

**LOWENSTEIN SANDLER PC**

Attorneys At Law  
65 Livingston Avenue  
Roseland, New Jersey 07068  
973.597.2500  
Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ILLINOIS NATIONAL INSURANCE  
COMPANY,

Plaintiff,

-v-

WYNDHAM WORLDWIDE OPERATIONS,  
INC; WYNDHAM WORLDWIDE  
CORPORATION; WYNDHAM VACATION  
OWNERSHIP, INC.; and, WYNDHAM RESORT  
DEVELOPMENT COPORATION,

Defendants.

**Civil Action No. 09-1724**

**DECLARATION OF JEFFREY M.  
POLLOCK, ESQ.**

Document Electronically Filed

I, JEFFREY M. POLLOCK, of full age, being duly sworn according to law, do  
depose and state as follows:

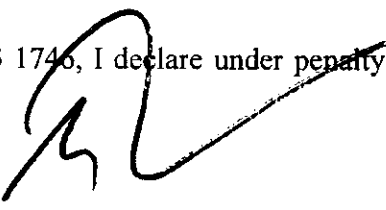
1. I am Partner at the law firm of Fox Rothschild LLP, 997 Lenox Drive,  
Building 3, Lawrenceville, New Jersey 08648, where I represent corporate policy holders in  
complex insurance litigation. A copy of my resume is attached as Exhibit A.
2. I offer this Declaration in support of Defendants' Motion for Attorneys'  
Fees and Expenses under New Jersey Court Rule 4:42-9(a)(6).
3. I am a member in good standing of the bar of New Jersey.
4. I graduated from New York University School of Law in 1987.

5. I represent policyholders in insurance coverage actions against insurance carriers. Over the course of my legal career, I have litigated countless insurance coverage actions and recovered hundreds of millions of dollars in insurance assets for policyholders.

6. I reviewed the Declaration of Michael David Lichtenstein, Esq. (dated September 22, 2010) submitted in this matter. In doing so I reviewed the hourly billable rates charged by all the Lowenstein Sandler PC ("Lowenstein") attorneys and paraprofessionals in this matter, identified in paragraphs 51-65 of the Lichtenstein Declaration.

7. Based upon that review and my person knowledge and experience with insurance coverage matters, I conclude that the rates charged by each Lowenstein attorney are reasonable and well within the prevailing market rate that is customarily charged in New Jersey for representation of policyholders in insurance coverage lawsuits based on each attorney's experience, reputation and ability. The Lowenstein rates in this matter are not only reasonable but appear to be reduced rates compared to those I have charged for similar work performed on an hourly basis. (I have undertaken a number of policyholder cases on an alternative fee basis, which offers the client a significantly reduced hourly rate in exchange for a contingent interest in the recovery if any.)

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.



---

JEFFREY M. POLLOCK  
Certified by the New Jersey  
Supreme Court as a Civil Trial Lawyer  
Fox Rothschild

DATED:

# **EXHIBIT A**

**JEFFREY M. POLLOCK**  
Certified Civil Trial Attorney

**FOX ROTHSCHILD LLP**  
Lawrenceville, New Jersey 08648  
609-896-7660 • 609-896-3600  
JMPollock@Foxrothschild.com

---

**Professional Profile**

Accomplished and creative trial attorney with 20 years of experience in complex litigation, environmental law, and policyholder representation

**Career Highlights**

- Successfully recovered in excess of \$150 million on behalf of policyholders in insurance declaratory actions
- Trial counsel for matters in which over \$100 million in damages are at issue
- Defended Superfund and Spill Act cases with over \$220 million in exposure
- Successfully tried first natural resource damages (NRD) claim in New Jersey
- Chair, Superfund & Hazardous Waste Committee, American Bar Association
- Chair, Environmental Law Section, New Jersey State Bar Association
- Best Lawyers and SuperLawyers (2005-2010)

---

**LEGAL EXPERIENCE**

**FOX ROTHSCHILD LLP**

P.O. Box 5231, Princeton, NJ 08543-5231

*Member*, 2003 to date

- Represent and advise on complex litigation, environmental liability and compliance obligations under CERCLA, RCRA, and ISRA.
- Assist clients in brownfields development.
- Represent clients in natural resource damages claims.
- Negotiated reduction in alleged air violations regarding hospital waste
- Advise policyholders on legal rights and required actions to preserve insurance claims.

**SILLS CUMMIS RADIN TISCHMAN EPSTEIN & GROSS, P.A.**

One Riverfront Plaza, Newark, NJ 07102-5400

*Member*, 1997 to 2003

*Associate*, 1994 to 1997

- Manage major complex litigations, involving CGL, D&O, E&O, Business Interruption, and Products Liability insurance coverage actions.
- Represent and advise on environmental liability and compliance obligations under CERCLA, RCRA, and ISRA.
- Counsel and defend clients on products liability and intellectual property disputes.
- Represent clients in administrative challenges.

**PITNEY, HARDIN, KIPP & SZUCH, LLP**

Park Avenue at Morris County, Morristown, NJ 07962-1945

*Associate*, 1988 to 1994

- Represented clients in administrative and court proceedings regarding alleged Clean Water Act, ISRA, and RCRA violations.
- Represented clients on matters involving damage and insurance claims stemming from environmental contamination.

**Jeffrey M. Pollock**

Page 2 of 6

---

- Advised clients on issues including CERCLA, RCRA, TSCA, UST installation, operation and removal, Clean Water Act, Pollution Prevention Act, and Right-to-Know compliance and labeling obligations.
- Successfully filed trade secrecy claims under SARA §§ 311 – 313.

**THE HONORABLE CHIEF JUDGE DONALD P. LAY**

**United States Court of Appeals, Eighth Judicial Circuit**

St. Paul, Minnesota

*Judicial Law Clerk, 1987*

- Researched and prepared bench memoranda, attended oral arguments, and assisted Chief Judge in rendering opinions for the Court.

**EDUCATION**

**NEW YORK UNIVERSITY SCHOOL OF LAW**

*Juris Doctorate, 1987*

**HAMILTON COLLEGE**

*Bachelor of Arts, 1984 (Creative Writing)*

**BAR ADMISSIONS**

1987, New Jersey State and Federal

1988, District of Columbia and U.S. Court of Appeals, Eighth Circuit

1996, New York State

2002, New York Southern District

2007, US Court of Appeals, 3rd Circuit

2008, New York Eastern District

2008, US Court of Appeals, 2nd Circuit

2009, US Supreme Court

**MEMBERSHIPS**

New Jersey Supreme Court Character Committee

Mediator, New Jersey Federal and State Courts

American Bar Association

- Natural Resources, Energy & Environmental Law Section (Chair, Hazardous and Solid Waste Committee 2002-2003)
- Natural Resources, Energy & Environmental Law Section (Chair, Professional Relations Co-Chair 2003-2004)
- Natural Resources, Energy & Environmental Law Section (Vice-Chair, 2004 Fall Meeting Planning Committee)
- Administrative Section
- Litigation Section (Co-Chair of Programming Subcommittee, 2009-2010)

New Jersey State Bar Association

- Environmental Law Section (past Chair)
- Insurance Section

New York Bar Association

District of Columbia Bar Association

Essex County Bar Association

Morris County Bar Association

Defense Research Institute

**Jeffrey M. Pollock**

Page 3 of 6

---

**BUSINESS ASSOCIATIONS**

Risk Insurance Management Society (RIMS) New Jersey and New York

New York Insurance Library Member

Program & Membership Committee, Newark YMWCA

Editor, *Environmental Liability, Enforcement and Penalties Reporter* (Argent Communications)

**PRESENTATIONS & PROFESSIONAL ACTIVITIES**

- Participant, NYCLE - Federal Circuit Year in Review (March 2010)
- Participant, Law Journal Newsletters – Openings and Summations: Lessons from a Lifetime in the Courtroom Webinar (March 2010)
- Participant, American Law Institute - ABA – Attorney-Client Privilege and Work Product Protection 2009 (November 2009)
- Speaker, Law Seminars International - Natural Resource Damages Litigation (October 2009)
- Participant, NJICLE – What NJ Attorneys Need to Know about NY Practice (October 2009)
- Participant, NITA - Advanced Trial Skills Program (October 2009)
- Participant, Trial Attorneys of NJ/NY – Back to Basics for the Experienced Attorneys (August 2009)
- Participant, Environmental Law Forum (June 2009)
- Participant, NJICLE What NJ Attorneys Need to Know About NY Practice (May 2009)
- Participant, ABA 2009 Section Annual Conference (April 2009)
- Participant, ABA Insurance Coverage Litigation Committee CLE Seminar (February 2009)
- Participant, The State of the Judiciaries & Twitter, Blogs, Youtube: Putting the Social in the Mainstream Media (January 2009)
- Participant, NYCLE – Risk Management: Avoidance of Professional Liability, Techniques and Strategies (January 2009)
- Participant, NJICLE - Environmental Law Forum (June 2008)
- Participant, Insurance Coverage Litigation CLE Seminar (June 2008)
- Participant, Risk Mgmt Avoidance of Professional Liability, Techniques and Strategies (February 2008)
- Participant, New York University, Business Ethics and Lawyers, Hot Topics in Urban Development (May 2007)
- Participant, NYCLE, Crucial Issues Facing Attorneys Today (April 2007)
- Participant, ALI-ABA, Trial Evidence in the Federal Courts: Problems and Solutions (April 2007)
- Speaker, Law Seminars International National Resource Damages (November 2006)
- Participant, ALI-ABA, Trials of the Century (December 2005)
- Faculty Member, Law Seminars International, NRD Litigation (November 2005)
- Presenter, “*Solving Electronic Discovery Disputes*,” SEER Fall Meeting 2004
- Speaker, “*Sunday Ethics*,” NJICLE Environmental Law Forum, Avalon, New Jersey (June 27, 2004)
- “*Natural Resource Damages – A NJDEP Seminar*,” State University of NJ Rutgers, Cook College, June 15, 2004
- Speaker, “*New Jersey’s NRD Claims on the Passaic River: Thoughts on a Promethian Task*,” The Conference Board (April 23, 2004)
- Speaker, 2004 Corporate Counsel Institute, Edison, New Jersey (February 25, 2004)
- Participant, National Environmental Law Moot Court Competition, Preliminary Round III and Quarterfinal Round, PACE Center for Continuing Legal Education (February 20, 2004)
- Presenter, “*The Useful Product Defense on Trial*,” SEER Fall Meeting 2003
- Panelist, “*They Shoot Lawyers Don’t They: Implementation of 17 CFR Part 205, Sarbanes-Oxley*,” 2003 Environmental Law Forum, Avalon (June 23, 2003)
- Committee Co-Chair, “*EPA’S One Cleanup Program and the Land Revitalization Agenda – The Word From Washington*,” ABA SEER national teleconference (June 17, 2003)

**Jeffrey M. Pollock**

Page 4 of 6

- Instructor, *Growth, Care and Maintenance of Expert Witnesses (And Some Thoughts on Pruning and Uprooting Your Adverse Witness)*, Cook College, Rutgers University (May 21, 2003)
- Interview, *Natural Resources Damages Interview of Bradley Campbell*, Commissioner of the New Jersey Department of Environmental Protection (NJDEP)(May 12, 2003)
- Chair, Superfund & Hazardous Waste Committee, American Bar Association Section of Natural Resources, Energy and Environmental Law (SONREEL) (2002-2003)
- Panelist, *Environmental Ethics Update for In-House Counsel*, joint New Jersey ACCA and NJSBA Environmental Law Section program, Avalon, New Jersey (June 2002)
- Presenter, "Corporate Counsel Ethics Concerns 2002," 2002 Environmental Law Forum (June 21 - 23, 2002)
- Speaker, "Insurance Coverage for Employment Practice Claims," 2002 ABA Litigation Section Mid-year Meeting (February 28 - March 2, 2002)
- Speaker, *Business Interruption Insurance Issues Arising From World Trade Center Attacks*, Metropolitan Corporate Counsel Program, New York (October 2001)
- Co-Speaker with Margaret Black, "Environmental Practices Update," PowerPoint Presentation (July 12, 2001)
- Presenter, "Choice of Law in Environmental Insurance Coverage Litigation," 2001 Environmental Law Forum (June 2001)
- Speaker, "Unethical Environmental Practices in Three Uneasy Pieces," ABA Superfund Hazardous Waste Committee (June 23 - 25, 2000)
- Co-Chair, *American Bar Association's Eighteenth Annual RCRA/CERCLA and Update Private Litigation*, Washington, D.C. (December 1999-2001)
- Presenter, "Ethics Problems in Interviews and Preservation of Testimony," American Bar Association, Section of Environment, Energy and Resources (December 9 - 10, 1999)
- Co-Chair and Presenter, "Ethics for Environmental Attorneys: Special Emphasis on Discovery Problems and Joint Defense Issues," 1999 Environmental Law Forum (June 1999)
- Presenter, "Ethics Problems in Interviews and Preservation of Testimony," American Bar Association, Environment, Energy and Resources Section (December 9 - 10, 1999)
- Panel Chair, *Allocation at a Municipal Solid Waste Site*, American Bar Association's RCRA/CERCLA update, Washington, D.C. (December 1998)
- Panelist, *General Policy on Superfund Ability to Pay Determinations*, American Bar Association - USEPA Joint National Telecast (January 1998)
- Chair, CERCLA settlement panel, *Overcoming the Hurdles*, American Bar Association RCRA/Superfund Update, Washington, D.C. (December 1997)
- Presenter, "Hot Insurance Issues for 1997 Practitioners," New Jersey Institute for Continuing Legal Education (1997)
- Member, New Jersey Lawyer Magazine Editorial Board (1996-1999)
- Member, New Jersey State Bar Association, Programs Committee (1996-1999)
- Member, New Jersey State Bar Association, Programs Committee (1996-1998)
- Member, New Jersey Lawyer Editorial Board (1996-1997)
- Speaker, *Using Technologies to Minimize Costs and Maximize Results*, New York Law Journal and Legal Information Technologies (LIT) program, New York Hilton Hotel, New York City (September 12, 1996)
- Chair, *Environmental Law Forum*, three-day environmental program sponsored by the New Jersey Corporate Counsel Association Environmental Committee and the New Jersey State Bar Association Environmental Law Section (June 1996 and 1997)
- Program Chair and Speaker, *Lessons Learned from the Superfund Reform Act*, Information Network for Superfund Settlements, Boston, MA (April 1996)
- Member, *District V-A Ethics Committee*, Essex County (1995-1998)

**Jeffrey M. Pollock**

Page 5 of 6

- Chair (2000-2001); Director (1995-1997); Treasurer (1997-1998); Vice-Chair (1998-1999), *New Jersey State Bar Association, Environmental Law Section*
- Mediator, United States District Court, District of New Jersey (1995 to present)
- Presenter, *CERCLA, RCRA, and ADR--Not Yet Ready for Prime Time*, American Bar Association RCRA/Superfund Update in Washington, D.C. (December 1995)
- Presenter, *Counseling Clients Through The Operating Permit Program Process*, New Jersey Institute on Continuing Legal Education (ICLE), in Woodbridge, New Jersey (December 1995)
- Presenter, *Dealing with the Devil--CERCLA and ADR in the 1990s*, American Bar Association RCRA/Superfund Update in Washington, D.C. (December 1995)
- Speaker and Presenter, *Requirements and Strategies for Hazardous Substances Storage*, New Jersey Hazardous & Solid Waste Management, Government Institutes Inc., New Brunswick, New Jersey (December 5, 1994)
- Speaker and Presenter, *The Toxic Substances Control Act (Some Thoughts on Fighting a Paper Tiger)*, Advanced Environmental Law Seminar, Government Institutes Inc., Newark, New Jersey (April 20, 1994)
- Editor, *New Jersey Lawyer Newspaper* (1993-94)
- Chair, Supreme Court Committee on Complementary Dispute Resolution, Complex Cases Working Group (1992-1997)
- Morris County Bar Association Program Committee (1992-1993)
- *State Underground Storage Tank (UST) Task Force*, NJDEP UST Task Force Member (June 1991 through November 1991)
- *Worrall F. Mountain Inn of Court*, Pupil (1990-1991); Barrister (1993-97)
- Presenter, *Overview of Right to Know Labeling Requirements and the Private Sector*, Environmental Law Form (Fall 1990)

**PUBLICATIONS**

- Editor, *Eastern Water Law*, February (2005 to Present) (Numerous articles can be provided separately.)
- *Complying More Cheaply-Reducing the Expense of Environmental Penalties and Fines*, *Environmental Liability, Enforcement & Penalties Reporter*, Vol. 14, No. 7 (May 2004)
- *The Nation's Water Wars Head East*, co-author with Margaret Sandra Fonberg, *Environmental Liability, Enforcement & Penalties Reporter*, Vol. 14, No. 4 (February 2004)
- *Lessons Learned from Drafting My First Expert Report*, (February 2004)
- *CERCLA? The confused state of the useful product defense*, *Trends*, Vol. 35, No. 1 (September/October 2003)
- *Natural Resource Damages-Bracing Against a Strange Storm*, (November 2003)
- *Supplemental Environmental Projects Program Revisited: The EPA's Most Recent Efforts to Support Economic Development*, *Environmental Liability, Enforcement & Penalties Reporter*, Vol. 13, No. 11 (September 2003)
- Editor, *The Metropolitan Corporate Counsel*, (2000-2001) (Numerous articles can be provided separately.)
- *Civil Procedure in the Age of the Internet*, *New Jersey Law Journal*, Vol. CLXI, No. 8, Index 764, (August 21, 2000)
- *Allocation at a Municipal Waste Site - The Locke, New York Site: An Allocation Hypothetical*, *American Bar Association - Science Law* (October 6, 1999)
- *A Tangled Web - Thoughts For a Law Firm Using the Web*, *New Jersey Lawyer*, pp. 18-21 (August 1999)
- *The Emerging of International Environmental Law - Just What is the International Environmental Framework?* *New Jersey Lawyer* (February 1999)



**Jeffrey M. Pollock**

Page 6 of 6

---

- *A Dozen Ways to Reduce the Bottom Line in Environmental Matters*, New Jersey State Bar Association, Environmental Section Newsletter, Vol. XIX, No. 3 (April 1997)
- *Strategies for the Successful Use of ADR to Resolve Environmental Disputes*, New Jersey Lawyer, New Jersey State Bar Association, Environmental Law Section, Vol. XII, No. 3 (March 1995)
- *Complex Litigation: Better Management Through Imaging*, New Jersey Law Journal Litigation Supplement, 139 N.J.L.J. 1214, p. 6 (March 27, 1995)
- *Control of Complex Litigation: Electronic Imaging*, The Metropolitan Corporate Counsel, Vol. 3, No. 3, p. 5 (March 1995)
- *The Emerging of International Environmental Law*, New Jersey Lawyer, pp. 25-30 (February 1995)
- *Adapting to Underground Storage Tank Regulations*, ECON, pp. 14-35 (1992)
- *Adapting to Underground Storage Tank Regulations*, Drinking Water & Backflow Prevention, pp. 18-20 (November 1991)
- *Plugging the Leaks in Underground Tanks*, 128 N.J.L.J. 76 (June 13, 1991)
- *Escaping from Under the UST Regulations*, Waste Business West (April 1991)
- *Overview of Right to Know Labeling Requirements and the Private Sector Perspective*, (Presented at Environmental Forum (Fall, 1990) (Copyright 1990)